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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,531	02/13/2002	Scott William Capeci	AA405	5959

27752 7590 08/25/2004

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/979,531	Applicant(s) CAPECI ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to ^{RCE} communication(s) filed on 30 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2004 has been entered.
2. Claims 3, 5-6, 9-13 have been canceled. Claims 1, 2, 4, 7 and 8 are pending.
3. The rejection of claims 1-2, 4-5, 7-8 under 35 U.S.C. 103(a) as being unpatentable over Doumen et al. (US Patent No. 5,703,037) is withdrawn in view of Applicants' amendment.
4. The rejection of claims 6, 9, 10 and 13 under 35 U.S.C. 103(a) as being unpatentable over Doumen as applied to the above claims, and further in view of Beimesch et al. (US Patent No. 6,391,844) is withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-2, 4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raehse et al. (US Patent No. 5,382,377), hereinafter "Raehse".

Raehse teaches, in Examples 1 to 3, a process for the production of compacted granules which are later pressed to form tablets, the process comprising mixing together a tower powder (a total of 63.2 wt% spray dried powder) and carrier beads (equivalent to agglomerates or adjunct ingredients having a total of 28.5 wt%) in a 20 liter batch mixer equipped with a size reducing unit in the form of a cutter head, and mixing with the resulting mixture an aqueous sodium dodecyl benzenesulfonate (ABS) paste to form free-flowing premix, delivering the premix to a pellet press wherein the strands issuing from the cavity block are cut at a length of approx. 1.5 mm and drying the compacted granules in a discontinuous fluidized-bed dryer (see col. 13, line 25 to col. 15, line 5). In Example 3, a rounding machine was used before subsequent drying in the fluidized bed (see col. 14, lines 7-10). A twin-screw kneader (equivalent to moderate speed mixer) is the preferred homogenizing unit and the steps of homogenization, compaction and extrusion of the premix require only very short times, normally only a few minutes, preferably less than 5 minutes (see col. 5, lines 8-61). In general, more than 90% and preferably more than 95% of the granulated material has the particle size to be established in accordance with the invention (see col. 6, lines 55-57). Raehse also teaches that it is possible to incorporate small quantities of dry powder, for example, zeolite powder, in the still plasticized primary granules to prevent individual granules from undesirably adhering to one another before they are finally dried (see col. 6, lines 11-19). Raehse, however, fails to disclose adding sodium aluminosilicate or zeolite at the last zone of the mixer.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate sodium aluminosilicate or zeolite at the last zone of the mixer because the teachings of Raehse in col. 6, lines 11-19 encompass this aspect.

Response to Arguments

7. Applicants' arguments filed June 30, 2004 have been fully considered but they are not persuasive.

With respect to the rejection based upon Raehse, Applicants argue that the entire tower powder formulation of Raehse was prepared entirely with the zeolite NaA whereas in the present process, sodium aluminosilicate must be added in the last zone of the moderate speed mixer.

The Examiner respectfully disagrees with the above arguments because the tower powder in col. 13, lines 45-50 comprises not only zeolite but also anionic surfactant, ABS and nonionic surfactant, which limitation read on the amended claim 1 which requires a spray dried granules with anionic and/or nonionic surfactants. With respect to the addition of sodium aluminosilicate or zeolite at the last zone of the mixer, Raehse, in col. 6, lines 11-19 teaches such incorporation on the still plasticized primary granules.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above,

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751